IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 22733 of 2004

Between:

Matha Gunna Rao S/o.late Narasmiha Murthy
Devallapalem, Vakapadu (post),
S.Rayavaram (M), Visakhapatnam Dist.

..... PETITIONER

AND

1 The Dist Election Authority-Dist Collector for Visakhapatnam Dist
Collectorate, Visakhapatnam -530 002.
2 Sri.M.Hari Prasada Rao Election Officer & FDO.,
Fisheries Development Officer, Bheemunipatnam,
Visakhapatnam Dist.
3 Visakhapatnam Dist Fisheries Coop Society
Fishing Harbour Premises,
Visakhapatnam Dist. 530 001.
4 Ummidi Pydi Raju S/o.Kasayya
Vada Narsapuram(V), Rambilli (M),
Visakhapatnam Dist.
5 Bondu Venkatesh S/o.Ramana
Boyipadu (V), Nakkapalli (M),
Visakhapatnam Dist.531 081.
6 Vasupalli Ammoru S/o.Father's not known
Gangodupalem, Bheemunipatnam (M),
Visakhapatnam Dist 531 163.
7 Kovviri Pedda Atchiyyamma W/o. not known
Pudimadaka (V), Atchutapuram (M),
Visakhapatnam Dist 531 011.
8 S.Adibabu S/o. not known
Near Fish Market, Anakapalli,
Visakhapatnam Dist 531 001.
9 Matha China Kasulu S/o. not know
Velupugundapalem, Govindapalem (Post),

Rambilli (M), Visakhapatnam Dist.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or direction, more particularly one in the nature of a writ of mandamus, declaring that the elections conducted by the 2nd respondent for the post of the office bearers of the 3rd respondent society consequent to the Election Notification dt 9-11-2004 issued by the 2nd Respondent is void under law, and consequently, to direct the Respondents 1 to 3 to conduct fresh elections for the managing committee of the 3rd Respondent by issuing a fresh Election Notification, and to grant such other or further reliefs.

Counsel for the Petitioner: MR.D.RAMALINGA SWAMY

Counsel for the Respondents: GP FOR COOPERATION

The Court made the following :

ORAL ORDER:

The petitioner is a member of the Marine Fishermen Cooperative Society, Devallapalem, Vakapadu of Visakhapatnam District. He

challenges various steps taken by the respondents 1 and 2 in pursuance of an election notice, dated 9.11.2004, wherein respondents 3 to 9 are said to have been elected.

Heard the learned counsel for the petitioner and the learned Government Pleader for Cooperation.

The learned counsel for the petitioner points out various discrepancies and inaccuracies in the notification and submits that the entire election process was vitiated.

It is true that there are certain glaring irregularities and discrepancies in the election notice. For example, the date of publication of nominations is indicated as 18.11.2004, whereas, the date of scrutiny is shown as 19.11.2004. Another aspect pointed out by the learned counsel for the petitioner is about the nomination fee.

Whatever be the strength of the grounds pleaded by the petitioner, it needs to be seen that once the election is held the disputes relating thereto have to be resolved only through election petition and not by way of a writ petition.

Hence, the writ petition is disposed of leaving it open to the petitioner to file an election petition challenging the election of the petitioner in accordance with law. There shall be no order as to costs.

_____ (L. NARASIMHA REDDY, J.)

10th December, 2004.

bcj

To

1 The Dist Election Authority-Dist Collector for Visakhapatnam Dist
Collectorate, Visakhapatnam -530 002.
2 Two C.Cs. to the Government Pleader for Cooperation, High Court Buildings, Hyderabad.

3 Two C.D. copies